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**AUG 08 2008**

In re Application of  
Jacques Marty  
Application No. 10/510,127  
Filed: October 4, 2004  
Attorney Docket No. 92940

ON PETITION

This is a decision in response to the petition, filed April 28, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

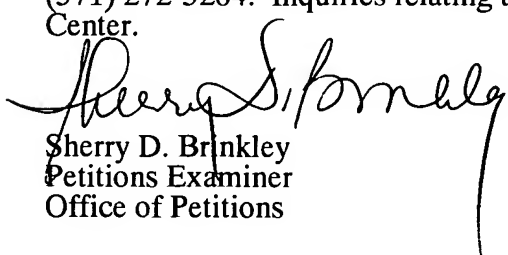
The above-identified application became abandoned for failure to reply in a timely manner to an Office communication mailed August 7, 2007. A Notice of Abandonment was mailed on April 1, 2008. In response, on April 28, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,050 extension of time fee submitted with the petition on October 22, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being referred to Technology Center AU 2612 for consideration of the amendment filed April 28, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions